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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/755,863

01/05/2001

Marise Chan

60001.0005US01

3683

27488

7590

04/25/2006

MERCHANT & GOULD (MICROSOFT)

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EXAMINER

VAUGHN, GREGORY J

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/755,863

Applicant(s)

CHAN ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____

**STEPHEN HONG
SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: The cited prior art of record renders applicants claimed invention unpatentable.

In response to applicant's remarks (page 2, first and second paragraphs, of the response filed 4/5/2006) related to the rejection of claim 23 made under 35 USC 112 first paragraph (as stated on page 3 of the office action dated 1/11/2006), the examiner does not find applicant's arguments persuasive.

The current amendment of claim 23 is directed toward: "applying the determined formatting characteristics populated to the find dialog to at least one other cell by selecting the other cell." Applicant's response indicates that support for the claim amendments can be found on page 16, lines 9-16 of the originally filed specification. This section of the specification is directed toward describing the "Results List" feature of the "Find" aspect of the invention. The "Results List" feature is described as "provides an overview of all of the places within the work sheet or workbook where a particular piece of text and/or formatting is found" (page 15, lines 20-21, of the originally filed specification). The section of the specification cited by the applicant on page 16 talks about how the result list entries are links to the respective cells, and how clicking on the link changes the display focus to the respective cell. This section also talks about multiple result list entries, and clicking the replace tab to apply formatting or replace text. However, clicking on entries in a result list, or selecting multiple entries in a result list, or clicking on the replace tab is not the same as "selecting the other cell". The examiner's rejection of claim 23, made under 35 USC 112 first paragraph, is maintained.

Regarding claim 2, applicant argues that: "Underdahl does not determine formatting characteristics of the selected cell and apply those formatting characteristics to fields in a dialog box" (page 3, last paragraphs, of the response filed 4/5/2006). The examiner does not find applicant's arguments persuasive.

In response to applicant's remarks, the examiner directs the applicant to the quote of Underdahl cited by applicant on page 3 of the response filed 4/5/2006, wherein Underdahl states: "If no numeric format has been assigned, the default General format is checked." This section of Underdahl is directed toward applying formats and building spreadsheets, where the examples show how to apply formatting where there was none previously. However, Underdahl says "if no format has been assigned" implies that if formatting had been assigned, the related format assignment information would be displayed in the dialog box. Underdahl supports this implication in the subsequent statement "if no format is assigned, the default format is checked" which clearly demonstrates that whatever formatting is assigned to the cell, that formatting information is determined and shown in the dialog box.